

LEACHCO, INC.  
MOTION FOR INJUNCTION PENDING APPEAL  
AND BRIEF IN SUPPORT

# Exhibit 3

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA

LEACHCO, INC.,

Plaintiff,

*v.*

CONSUMER PRODUCT SAFETY  
COMMISSION, ET AL.,

Defendants.

Case No. 6:22-cv-00232-RAW

NOTICE OF APPEAL

Plaintiff Leachco, Inc. hereby appeals, pursuant to 28 U.S.C. § 1292(a)(1), to the United States Court of Appeals for the Tenth Circuit from the Order of the District Court, entered on November 29, 2022 (ECF No. 49), denying Plaintiff's motion for a preliminary injunction.

DATED: December 5, 2022.

KURT M. RUPERT  
Hartzog Conger Cason  
201 Robert S. Kerr Ave., Suite 1600  
Oklahoma City, OK 73102  
405.235.7000  
krupert@hartzoglaw.com

Respectfully submitted,

/s/ Oliver J. Dunford  
OLIVER J. DUNFORD  
Pacific Legal Foundation  
4440 PGA Blvd., Suite 307  
Palm Beach Gardens, FL 33410  
916.503.9060  
odunford@pacificlegal.org

JOHN F. KERKHOFF  
FRANK D. GARRISON  
Pacific Legal Foundation  
3100 Clarendon Boulevard, Suite 1000  
Arlington, VA 22201  
202.888.6881  
JKerkhoff@pacificlegal.org  
FGarrison@pacificlegal.org

*Attorneys for Plaintiff Leachco, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing which sent notice of electronic filing to the following:

Madeline M. McMahon  
U.S. Department of Justice, Civil Division  
1100 L St. NW  
Washington, DC 20005  
madeline.m.mcmahon@usdoj.gov

*Attorney for Defendants*

/s/ Oliver J. Dunford

OLIVER J. DUNFORD

*Attorney for Plaintiff Leachco, Inc.*